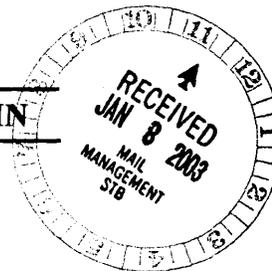


207014



CITY OF GARDEN PLAIN



Mayor: Paul E. McPhillips, Sr.

Council members: Wesley Washabaugh, Michael Stockemer, Tony Flax,
Dan Stroud and Larry Lampe

December 30, 2002

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
JAN 08 2003
Part of
Public Record

Re: STB Docket No. AB-406 (Sub-No. 14X), Central Kansas Railway,
L.L.C. - Abandonment Exemption - In Sedgwick County, Kansas

Dear Secretary Williams;

The City of Garden Plain is in receipt of a copy of a letter of correspondence to you from Ball Janik, L.L.P., stating that the CKR has not consummated the abandonment of line located between Milepost 19.5, near Garden Plain and Milepost 15.6, near 231st Street, near Goddard in Sedgwick County, Kansas. This letter also states that the Central Kansas Railway, L.L.C. is willing to negotiate for trail use with Prairie Travelers, Inc.

I am writing to express the position of the City Council of the City of Garden Plain, with regard to the "rails to trails" proposal. There was considerable lobbying by the proponents as to the potential benefit of a bike path into Garden Plain. The City Council debated the issue in open meeting and concluded there was not sufficient support from the adjacent property owners to warrant the City pursuing the project. The Governing Body heard from avid cyclists who stated the bike path would not be a likely choice for them as they would have to stop frequently at roads. The preferred route seemed to be long stretches of highway. Therefore, the City Council concluded the benefit would fall short of the cost. When this issue was put to a vote, our Council elected not to become involved in this project.

Further, I feel that it is unfair to usurp the rights of lawful property owners with regard to land that should clearly be deeded back to them. The bike path would be most invasive to these owners in that

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it would provide, what amounts to, public access of their property. There was little or no commitment offered by the lobbyists with regard to policing and maintenance of the proposed path and therefore we felt this burden would inevitably fall unjust onto the property owners as well.

In closing, let me say that the City Council would have given further consideration to the proposal had those lobbying first obtained the support of the rightful owners of this property. It has become apparent that those who own adjacent property are overwhelmingly against a bicycle path. Given these facts, the Council would not lend their support to it.

I hope this clears up any question you may have regarding the position of the City Council of the City of Garden Plain, Kansas on this issue. Please call if there should be any concerns or further inquiry, and feel free to share this letter with anyone you choose.

Very truly yours,

CITY OF GARDEN PLAIN



Paul E. McPhillips, Sr.
Mayor

cc: Michael J. Ogborn, Central Kansas Railway
Tim Clasen, adjacent property owner
Dr. Don Yoder, adjacent property owner

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